

By: Martinez Fischer

H.B. No. 733

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain traffic offenses committed in a construction or
3 maintenance work zone.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 472.022(d) and (f), Transportation
6 Code, are amended to read as follows:

7 (d) An offense under this section is a misdemeanor
8 punishable by a fine of not less than \$1 or more than \$200, except
9 that if the offense is committed in a construction or maintenance
10 work zone [~~when workers are present and any written notice to appear~~
11 ~~issued for the offense states on its face that workers were present~~
12 ~~when the offense was committed~~], the offense is a misdemeanor
13 punishable by a fine of not less than \$2 or more than \$400.

14 (f) Articles 45.051 and 45.0511 [~~Article 45.54~~], Code of
15 Criminal Procedure, do [~~does~~] not apply to an offense under this
16 section committed in a construction or maintenance work zone [~~when~~
17 ~~workers are present~~].

18 SECTION 2. Section 542.404(a), Transportation Code, is
19 amended to read as follows:

20 (a) If an offense under this subtitle, other than an offense
21 under Chapter 548 or 552 or Section 545.412 or 545.413, is committed
22 in a construction or maintenance work zone [~~when workers are~~
23 ~~present and any written notice to appear issued for the offense~~
24 ~~states on its face that workers were present when the offense was~~

1 ~~committed~~]:

2 (1) the minimum fine applicable to the offense is
3 twice the minimum fine that would be applicable to the offense if it
4 were committed outside a construction or maintenance work zone;
5 and

6 (2) the maximum fine applicable to the offense is
7 twice the maximum fine that would be applicable to the offense if it
8 were committed outside a construction or maintenance work zone.

9 SECTION 3. Section 729.004(b), Transportation Code, is
10 amended to read as follows:

11 (b) If an offense to which this section applies is committed
12 in a construction or maintenance work zone [~~when workers are~~
13 ~~present and any written notice to appear issued for the offense~~
14 ~~states on its face that workers were present when the offense was~~
15 ~~committed~~]:

16 (1) the minimum fine applicable to the offense is
17 twice the minimum fine that would be applicable to the offense if it
18 were committed outside a construction or maintenance work zone;
19 and

20 (2) the maximum fine applicable to the offense is
21 twice the maximum fine that would be applicable to the offense if it
22 were committed outside a construction or maintenance work zone.

23 SECTION 4. (a) The change in law made by this Act applies
24 only to an offense committed on or after the effective date of this
25 Act. For purposes of this section, an offense is committed before
26 the effective date of this Act if any element of the offense occurs
27 before that date.

1 (b) An offense committed before the effective date of this
2 Act is governed by the law in effect when the offense was committed,
3 and the former law is continued in effect for that purpose.

4 SECTION 5. This Act takes effect September 1, 2003.